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Ontario Ministry of Labour
Ministère du Travail de l'Ontario

November 1991

QUESTIONS AND ANSWERS ON REFORM OF THE ONTARIO LABOUR RELATIONS ACT

What is the Ontario Labour Relations Act?

The Act governs relations between unions and employers in most private industry and in a portion of the public sector. It sets out the rules under which employees can form unions, prohibits unfair labour practices by unions and employers, establishes the rules for bargaining contracts between labour and management, and creates the process for handling disagreements that arise during a contract.

Why does the government want to make changes to the Act?

The government believes it is time for a modernization of the Act to reflect the make-up of today's economy and workplace. The Act has not been substantially reformed in more than 15 years.

Why is this important now, when the economy is in a difficult period?

The government believes economic renewal and fairness in the workplace go hand-in-hand. Employee input and participation in workplace decision-making is an essential ingredient in adapting to major economic change, and collective bargaining as encouraged by the Act has proven its worth as a mechanism for employee participation.

What's wrong with the current Act?

The current Act is geared to the needs of a primarily male workforce employed in large workplaces--typically in the manufacturing sector. A number of legal and practical obstacles in the Act deny access to collective bargaining for large numbers of employees--particularly women, part-timers and members of minority groups in the rapidly growing service sector. The government also wants to ensure the Act fosters a climate of co-operation between unions and management, rather than antagonistic relationships that make collective bargaining more difficult.

What's in the government's proposals?

The proposals would:

* Increase co-operation between employees and employers when a workplace is undergoing major change;

* Improve the settlement of grievances between unions and management;

* Provide increased protection for employees who are negotiating their first contract;

* Give employees who are now barred from organizing the right to form unions, and remove from the Act a number of obstacles which hamper employees' ability to organize; and

* Limit the use of replacement workers during a strike or lockout;

Will this mean more strikes?

No. The government wants to increase co-operation in the workplace, and feels the current Act too often encourages adversarial relationships rather than the partnerships that are needed to help both labour and management adjust to a rapidly changing economy. The proposals are designed to eliminate the causes of many strikes and other adversarial disputes.

Does this mean the government wants to intervene more in the workplace?

No. By encouraging employee participation through collective bargaining, the government is leaving workplace decision-making where it belongs--in the workplace. An increase in workplace participation will help reduce the need for direct government regulation and intervention.

Would the changes result in employers having to shut down their operations if workers are on strike?

The government's approach, which is based on that used successfully in Quebec since 1978 is designed to prevent lengthy and confrontational labour disputes. This approach would permit employers to use supervisors and managers from the struck location to perform the work of strikers. Employers could also shift work to other locations. But the few employers who currently use replacement workers during a strike would not be permitted to use workers from outside the struck location or employees from the struck location other than supervisors or managers. However, the government recognizes the need for possible exceptions in the delivery of some important services.

Will these changes tip the labour-management balance in favour of unions?

No. The reforms are neither "pro-labour" nor "pro-management"; they promote collective bargaining. They will make an existing process work better rather than tip the balance in favour of one side.

Have the proposed changes been tried anywhere else in Canada?

Many of the proposals have been in place for a number of years in other provinces or in workplaces covered by federal labour laws.

What impact will this have on Ontario's economy?

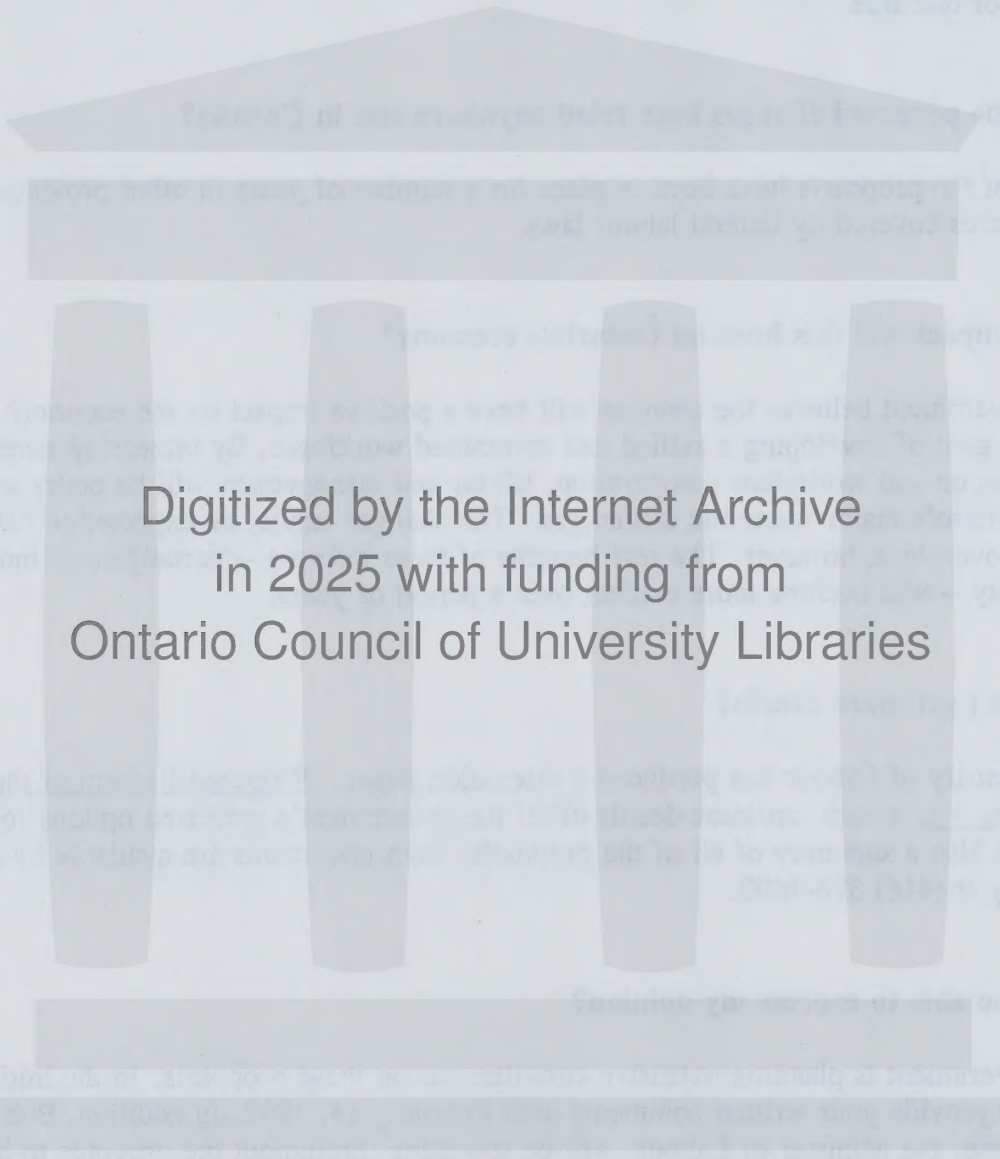
The government believes the changes will have a positive impact on the economy of Ontario and the goal of developing a skilled and committed workforce. By increasing employee participation and workplace co-operation, labour and management will be better equipped to face Ontario's major economic challenges. The changes cannot be expected to have a major impact overnight, however. The real benefits of these reforms -- participation, innovation and flexibility -- will become more evident over a period of years.

How do I get more details?

The Ministry of Labour has produced a discussion paper, Proposed Reform of the Labour Relations Act, which contains details of all the government's preferred options for change. There is also a summary of all of the proposals. Both documents are available by calling the Ministry at (416) 326-7400.

Will I be able to express my opinion?

The government is planning extensive consultations on these proposals. In the initial stage, you can provide your written comments until February 14, 1992. In addition, Bob Mackenzie, the Minister of Labour, will be travelling throughout the province to hear, first-hand, the views of individuals and organizations on labour relations reform. For details of the consultation process, call (416) 326-7400.



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Will the consultation process be my final chance to comment on changes before they become law?

No. There will be more consultations. After the current consulation process ends in February, a bill will be prepared and introduced. At that point, further consultations will occur through the legislative committee process. In effect public consultation will be ongoing for many months.

Will the government listen to my views?

The government is committed to reform of the Act that will increase access to collective bargaining for Ontario's employees. But the government also intends to listen closely to all views on the content of the proposals as detailed in the discussion paper.